

REMARKS

Claims 1-18 are pending in the present application.

At the outset, Applicants wish to thank Examiner Nolan for the helpful and courteous discussion with their undersigned Representative on August 12, 2004. During this discussion, several amendments and arguments were discussed to address the outstanding rejections. Applicants would also like to thank Examiner Nolan for acknowledging that Claims 13-18 were filed by Preliminary Amendment on November 30, 2001 and for making sure that this Preliminary Amendment is made a part of the official record. The content of this discussion is reflected in the amendments and remarks set forth herein. Reconsideration is respectfully requested.

The rejection of Claims 3 and 4 under 35 U.S.C. §103(a) over Miyamoto et al in view of Applicant's alleged admission on page 1 of WO 01/15897 and JP 54-120,646 is traversed.

Applicants wish to direct the Examiner's attention to the fact that Miyamoto et al fail to disclose or suggest the specific arrangement of the layers comprising the claimed heat-sealing film. In particular, Applicants note that none of the art of record discloses or suggests a multi-layer heat-sealing film having *two distinct interlayers* wherein one layer is a polyethylene resin layer and the other layer is a polyolefin type resin layer. For example, Miyamoto et al disclose a cover tape having a biaxially oriented film consisting of polyester, polypropylene or nylon, a polyolefin-based intermediate layer, and an adhesion layer having a conductive fine powder admixed with a thermoplastic resin (see paragraph bridging columns 3-4). However, at no point do Miyamoto et al disclose or suggest a multi-layer heat-sealing

film having two distinct interlayers wherein one layer is a polyethylene resin layer and the other layer is a polyolefin type resin layer as presently claimed. Most notably, the polyethylene resin layer is missing.

In regard to the specific orientation, Claim 3 defines the interlayers as follows: (a) the polyethylene resin layer is disposed between the polyethylene terephthalate layer and the polyolefin type resin layer, and (b) the polyolefin type resin layer as being disposed between the polyethylene resin layer and the sealant layer. Such an orientation is not found in the art of record.

Applicants also note that the alleged admission on page 1 of the present specification (cited as WO 01/15897) and the disclosure of JP 54-120646 fail to compensate for this deficiency. Therefore, even if Miyamoto et al were viewed in conjunction with the alleged admission and/or JP 54-120646, there would be no direction to obtain a heat-sealing film of the present composition.

In view of the foregoing, Applicants request withdrawal of this ground of rejection.

The rejection of Claims 3 and 4 under 35 U.S.C. §112, second paragraph, is obviated by amendment.

Applicants have amended Claim 3 to specifically and unequivocally define the order of layers in the claimed heat-sealing film. Accordingly, the claimed invention is now free of the Examiner's criticisms.

Withdrawal of this ground of rejection is requested.

In regard to the Restriction Requirement, Applicants note that the Examiner has given

no basis for maintaining the requirement, much less any rebuttal of Applicants' arguments. Thus, it is unclear as to why restriction has been maintained. Moreover, Applicants note that the Examiner has not made the Restriction Requirement final and thus no petition relief is available. Therefore, in view of the break in proper procedure coupled with the arguments in traverse of restriction proffered in the response filed on May 5, 2004, Applicants request withdrawal of the Restriction Requirement.

Finally, the Examiner is reminded of MPEP §821.04

...if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined.

Upon a finding of allowability of the elected product claims, Applicants respectfully request rejoinder of the withdrawn process claims.

Applicants submit that the present application is in condition for allowance. Early notification to this effect is respectfully requested.

Respectfully submitted,

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